

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Crim. No. 08-364 (RHK/AJB)

ORDER

v.

Thomas Joseph Petters (1),

Defendant.

This matter is before the Court *sua sponte*. On August 3, 2009, the Court distributed to the parties a draft questionnaire to be sent to prospective jurors in this case, which is attached hereto as Exhibit A. The parties have now filed their objections to the draft questionnaire (Doc. Nos. 260, 261).

In its objections, the Government argues that the questionnaire (1) should not identify jurors by name and (2) should not inform jurors about the nature of this case (or, alternatively, the Government requests that jurors be summoned to the courthouse to complete the questionnaire two days before jury selection). Defendant opposes both of these objections, which are **OVERRULED**. As to the former, each member of the venire will be identified by name at *voir dire* and, accordingly, there is no principled reason to omit names on the questionnaires. In addition, the questionnaires will be maintained in confidence by the Court, *and the parties (and their counsel and anyone working for them, including investigators, law clerks, experts, etc.) are expressly directed not to disseminate any information contained therein*. This will address the Government's

concern about juror privacy and the integrity of the jury-selection process. As for the latter, failing to inform potential jurors about the nature of this case would largely render the questionnaire meaningless. And, asking jurors to complete the questionnaire a mere two days before *voir dire* would fail to provide the Court and the parties with sufficient time to review the questionnaires before jury selection commences.

In his objections, Defendant argues that several minor changes should be made to the questionnaire's verbiage. Those objections are **SUSTAINED** and have been incorporated (with minor changes) into the final version of the Court's questionnaire, which is attached hereto as Exhibit B.¹

Finally, the schedule attached hereto as Exhibit C provides an outline of the Court's questionnaire process and shall govern the dissemination, return, and distribution to the parties of juror questionnaires.

Dated: August 20, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

¹ The Court rejects one suggestion by Defendant – namely, that prospective jurors be asked whether they know any of the lawyers or Government agents working on this case. The Court intends to ask that question at *voir dire*. Moreover, the Court has not been provided with a list of such Government agents (or, by the same token, investigators working for Defendant).